

THE FLORIDA SENATE  
2020 SUMMARY OF LEGISLATION PASSED

## Committee on Community Affairs

### **CS/CS/SB 410 — Growth Management**

by Rules Committee; Community Affairs Committee; and Senator Perry

Under current law, local governments create and adopt local comprehensive plans, which control and direct the use and development of property within a county or municipality. The Department of Economic Opportunity (DEO) is the state land planning agency and is tasked with overseeing the comprehensive plan system. However, local governments in the state retain ample independence in the substance of land use regulation of private property within their jurisdictions. The bill amends various sections of Florida law related to the regulation of land, which is commonly referred to as growth management.

#### *Property Rights Element*

The bill requires all local governments to incorporate a property rights element into their comprehensive plans by the earlier of a local government's next proposed comprehensive plan amendment or July 1, 2023. A local government may adopt its own property rights element or use the model language provided in the bill. The bill specifies that the property rights element is to ensure local governments consider private property rights in local decisionmaking.

#### *Comprehensive Plans*

The bill amends current law to clarify that all local comprehensive plans *effective* (rather than *adopted*) after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date.

The bill also provides that, after January 1, 2020, a county may not:

- Adopt any comprehensive plan, land development regulation, or another form of restriction that limits the use of property located within a municipality, unless the municipality adopts such land use policies through its own ordinances; or
- Limit a municipality from deciding the land uses, density, and intensity allowed on lands annexed into a municipality.

However, this prohibition on counties does not apply to charter counties with a population in excess of 750,000 as of January 1, 2020.

#### *Municipal Annexation*

The bill provides that, except as otherwise provided in current law governing municipal annexation of geographic areas, a municipality may not annex a territory within another municipal jurisdiction without the other municipality's consent.

#### *DEO Technical Assistance Grants*

The bill directs DEO, when selecting applications for Community Planning Technical Assistance Grants, to give preference to certain small counties and municipalities located near a proposed multi-use corridor interchange. Such grants may be used to assist those local governments in

amending or developing its comprehensive plan to implement appropriate land uses around a proposed multi-use corridor interchange.

*Altering a Development Agreement*

The bill provides that a development agreement between a local government and a party, or its designated successor in interest, may be amended or canceled without securing the consent of the parcel owners that were originally subject to the development agreement, unless the amendment directly modifies the land uses of an owner's property.

*Department of Transportation; Surplus Property*

The bill requires the Florida Department of Transportation, when disposing of surplus real property, to give the prior owner of the property the right of first refusal to purchase the property.

*Utility Right-of-Way Permitting*

The bill provides that all permit applications to a county or municipality to use the public right-of-way for any utility must be processed within the expedited timeframe that currently applies to permit applications submitted for communications facilities.

*Development of Regional Impact Amendments*

The bill allows for the amendment of any Development of Regional Impact agreement previously classified as (or officially determined to be) essentially built out, and entered into on or before April 6, 2018. Any such amendment may authorize the developer to exchange approved land uses, so long as the exchange will not increase impacts on public facilities.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 23-16; House 71-43*